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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,874	09/23/2003	Roy Lawson Bowers		5166

7590 03/08/2005
Roy Bowers
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Verdi, NV 89439

EXAMINER	
CINTINS, IVARS C	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,874

Applicant(s)

BOWERS

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. It appears that the inner tube must have a diameter which is less than that of the course filter (see page 8, last two lines of the specification), not just “different” from this course filter (see claim 1, line 5), in order to form the first annular volume between the course filter and the inner tube. Since this feature has not been recited in claims 1-8, these claims are not enabled by the disclosure. *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

Claims 9-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The step of passing water in the inner tube “down the inner tube to a portal formed within the inner tube” (claim 9, lines 4-5) has not been described in the specification. The specification only supports upward flow through the granules (i.e. 25) in the inner tube (i.e. 16), not downward flow as recited in claim 9 (see page 9, lines 7-10 of the specification; and Fig. 1).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8 fail to recite the apparently essential limitation that the inner tube has

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a diameter which is less than that of the course filter; and therefore, these claims fail to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Also, claims 9-15 appear to be misdescriptive in reciting that the water undergoing treatment passes down the inner tube, as explained above. Also, the terms “forming a outer surface of the filtration allowing a fluid to pass into the apparatus” (claim 1, lines 2-3), “can allow a fluid to be fluidized” (claim 1, lines 23-24), and “mounted vertically top allow fluidization of media inside the apparatus” (claim 8, line 2) are vague, and indefinite as to the limitations intended. Furthermore, the terms “the water treatment composition” (claim 1, line 19) and “the flow of water upwardly” (claim 6, line 1) lack antecedent basis in the claims, and are therefore also indefinite.

Claims 1-8 would be allowed if rewritten or amended to overcome the above rejections under 35 U.S.C. § 112 because the references of record do not teach or fairly suggest an apparatus having a rigid course filter, an inner tube constructed and arranged to form a first annular volume between the course filter and the inner tube, a permeable member covering a portal in the inner tube, a bimetallic treatment composition in a lower pooling volume in the inner tube, and a compacted block of adsorbent material in the inner tube forming a second annular volume. Claims 9-15 would also be allowed if rewritten or amended to overcome the above rejections under 35 U.S.C. § 112 because the references of record do not teach or fairly suggest the recited water treatment steps.

Archer (U.S. Patent No. 6,197,193) discloses purifying water with a series of diverse treatments, including course filtration (col. 3, lines 43-47), bimetallic alloy treatment (col. 3, lines 50-55) and carbon adsorbent treatment (col. 3, lines 62-68). Yang et al. (U.S. Patent No.

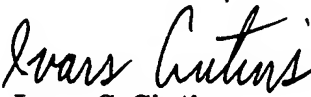
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5,106,501) discloses a multi-function filter cartridge having an inner tube (35). Bowers (U.S. Patent No. 5,980,752) discloses similar water purification materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
March 6, 2005